

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

KEN PAXTON, in his official capacity as §  
Attorney General of Texas, §  
DAVID SCHNITZ, §  
TRACY MARTIN, and §  
FLOICE ALLEN, §  
*Plaintiffs,* §

vs. §

Civil Action No. 4:22-cv-00143-P

GARY M. RESTAINO, in his official §  
Capacity as Acting Director, Bureau of §  
Alcohol, Tobacco, Firearms and Explosives, §  
*Defendant.* §

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PROPOSED ORDER

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The Court grants Plaintiffs' Motion for Summary Judgment.

The Court issues permanent injunctive relief enjoining Defendants from requiring Texans to apply for and receive permission to make firearm suppressors in Texas for non-commercial, personal use in Texas.

The Court issues permanent injunctive relief enjoining Defendants from requiring Texans to pay a \$200 tax on the making of firearm suppressors in Texas for non-commercial, personal use in Texas.

The Court issues permanent injunctive relief enjoining Defendants from requiring Texans to register firearms suppressors made in Texas for non-commercial, personal use in Texas.

The Court issues permanent injunctive relief enjoining Defendants from requiring Texans to place a serial number on firearms suppressors made in Texas for non-commercial, personal use in Texas.

The Court issues permanent injunctive relief enjoining Defendant Garland from initiating criminal prosecution of Plaintiffs Schnitz, Martin and Allen for making a firearm suppressor in Texas for non-commercial, personal use in Texas without complying with the application, taxation, registration, or serial number requirements.

The Court declares the following statutes unconstitutional as applied to the making of firearms by Texans for non-commercial, personal use in Texas:

26 U.S.C. §§ 5821, 5822, 5841, 5842, and 5861.

The Court declares the following regulations unconstitutional as applied to the making of firearms by Texans for non-commercial, personal use in Texas:

27 C.F.R. §§ 479.61, 479.62, 479.63, 479.64, 479.71, and 479.102.

So ordered on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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MARK PITTMAN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS